

REMARKS

Claims 1-23 are pending in the application.

Claims 1-23 have been rejected.

Claims 1, 7, 13 and 18 have been amended.

Rejection of Claims Under 35 U.S.C. §103

Claims 1-4, 6-10 and 12-23 stand rejected under 35 U.S.C. §103(a) as purportedly being unpatentable over U.S. Patent No. 5,699,527 issued to Davidson (“Davidson”), in view of U.S. Patent No. 6,345,278 issued to Hitchcock et al. (“Hitchcock”) and U.S. Patent No. 5,758,126 issued to Daniels et al. (“Daniels”). Applicants respectfully traverse these rejections.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

Claims 1 and 7:

Independent Claims 1 and 7, as amended, each contain substantially the following limitations:

communicating a user interface to a client system via a network communication link, the user interface including a plurality of user interface displays configured to capture commercial loan application data;
 receiving one or more portions of the commercial loan application data from the client system as each portion of the one or more portions of commercial loan application data is captured via the network communication link;
 storing the one or more portions of commercial loan application data in a storage device; and
 communicating at least a first portion of the commercial loan application data to the client system, wherein
 the client system uses the first portion of the commercial loan application data to pre-populate at least one data field of one of the plurality of user interface displays.

See, e.g., Claim 1 (amended). Applicants respectfully submit that neither Davidson, nor Hitchcock, nor Daniels, alone or in combination, provides disclosure of all these limitations.

The Office Action relies on Davidson as purported disclosure of the claim limitation “receiving the commercial loan application data from the client system via the network communication link.” *See* Office Action, p. 3 (citing Davidson 6:62-65). The Office Action also relies on Davidson in view of Hitchcock as purported disclosure of the claim limitation “communicating at least a portion of commercial loan application data to client system.” Applicants respectfully submit that Davidson, alone or in combination with Hitchcock, fails to disclose these limitations of Claim 1.

The cited section of Davidson states:

Once all of the information is inputted and completed by the loan applicant, the LS [loan software] program 1 creates a loan data file at step 130 for transmission, at step 132, to the lending institution computer 16.

Davidson 6:62-65 (emphasis added). The cited section of Davidson only provides for inputting information locally on the client computer and then transmitting all the information only once to the lending institution when all user input is complete. Davidson further emphasizes this nature of the user input process as follows:

The loan applicant, in response to each posed question, enters an appropriate response by operating the input device 14. After input of a reply by the loan applicant, the CPU 12 sends a signal to the source of questions to be posed 12A to transmit a next question to the loan applicant. That next question is then displayed on display device 13 and the loan applicant again enters in a response by operation of the input device 14. This procedure continues until all the information concerning the loan application process is inputted by the loan applicant into the system. Once this occurs, the information is processed by the CPU 12 and/or sent to an electronic storage device 12B.

Davidson 5:2-12 (emphasis added). This cited section of Davidson suggests that the user inputs information off-client into “the system.” However, Figure 1 shows that the CPU communicates with “Source of Questions to be Posed” 12A and storage device 12B that are located locally on client computer 11. This is consistent with the location of Davidson’s LS program 1 on client computer 11, which is purportedly loaded onto the computer via disk or downloaded electronically. *See, e.g.*, Davidson 5:60-26, 6:4-6, 6:14-15 (“Initially, at step 100 [of Fig. 4] the LS program 1 is loaded onto the loan applicant’s computer 11.”). The LS program purportedly retrieves the questions to be posed to the loan applicant. *See* Davidson 6:18-20. Once user input is completed locally, LS program 1 then purportedly processes the information inputted by the loan applicant and transmits it to the lending institution 16. *See* Davidson 6:62-65. Under Davidson, the lending institution (or server) clearly does not receive data during the user input process.

Claim 1, as amended, provides for receiving the commercial loan application data from the client during data capture. Support for these amendments can be found throughout the originally-filed Application, and at least at page 14, lines 6-12, and figure 3 (process block 309). These sections of the originally-filed Application provide that at times during commercial loan application data capture, an evaluation is made as to whether the commercial loan request is complete. If the request is not complete, the

entered data is communicated to the server and the process enters an iterative loop to capture the rest of the needed data. *Id.*, Fig. 3, process block 333b. Applicants have amended the claims to establish that the server periodically receives the commercial loan application data from the client system as each portion of the commercial loan application data is captured.

Applicants further submit that the combination of references fails to disclose the “communicating at least a first portion of the commercial loan application data” limitation. The Office Action also relies on Davidson in view of Hitchcock as purported disclosure of the quoted claim limitation. The cited Hitchcock Abstract states, in part:

A forms engine allows data sharing between customizable on-line forms, such as college admissions applications. After an applicant completes an application, the data is saved in a database and automatically populates fields in subsequent application forms. . . . (emphasis added).

The Abstract’s process of automatic population is discussed in more detail as follows:

When the applicant subsequently applies to a different institution or to a different program within the same institution, a new application, customized for the different institution, is presented to the applicant. Information that was entered onto previously submitted applications is retrieved from the database and presented to the applicant as populated fields of the new application, so that the applicant is not required to enter information more than once. The applicant can change the values in a pre-populated field if desired and the new values are saved for use in subsequent applications.

Hitchcock 7:18-29 (emphasis added). The cited sections of Hitchcock do not disclose what or how information is actually being communicated to Hitchcock’s applicant. This process is described in more detail in column 5, lines 61-67:

Forms engine 104 then generates a customized application form based upon an application description in an application data file 108. Forms engine 104 then retrieves user data that was entered in previous applications and stored in the applicant database 62, and merges the user data into the current application, which is then returned to the applicant as an HTML form.

Thus, an applicant receives both the form and data merged by forms engine 104. Hitchcock 3:57-65. The form is therefore pre-populated with the data on server 16, where forms engine 104 is housed. *See* Hitchcock 3:66-4:2. These steps are clearly delineated in Figure 13, under forms engine 104:

1. Retrieve User Data from DB
2. Generate Form
3. Merge User Data
4. Return Form to Client

See Fig. 13 (element 104) (emphasis added).

In contrast, the claims provide for data communicated to the applicant computer to be used by the client system to pre-populate at least one data field of one of the plurality of user interface displays. Hitchcock does not disclose the communication of such data. Hitchcock's communicated data is already merged with its associated form at the server and cannot be used to pre-populate the form at the client computer. Thus, Hitchcock fails to disclose the claim limitation of communicating at least a portion of the commercial loan application data to the client system.

The Office Action recognizes that neither Davidson nor Hitchcock disclose using a portion of commercial loan application data to pre-populate at least one data field, and instead relies upon Daniels for such teaching. But the Office Action fails to recognize that the "data" provided by Hitchcock cannot be used to pre-populate a field at the client because Hitchcock's data is already merged with a form, as discussed above. Thus, the combination of references also fails to disclose the "pre-population" limitation because the combination would not successfully provide the claimed function.

For the reasons discussed above, Applicants submit that neither the cited sections of Davidson, nor Hitchcock, nor Daniels, alone or in combination, provide disclosure of all the limitations of independent Claims 1 and 7, as amended, and all claims depending

therefrom (Claims 2-6 and 8-12), and that these claims are in condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

Claims 13 and 18:

Independent Claims 13 and 18, as amended, each contain a limitation of substantially the following form: "receiving a user input, the user input comprising entry of one or more portions of the commercial loan application data." This amended limitation is included in Claims 13 and 18 for the same reasons as discussed above with regard to Claims 1 and 7, in response to the Office Action. *See* Office Action, page 6-7.

For the reasons discussed above, Applicants submit that neither the cited sections of Davidson, nor Hitchcock, nor Daniels, alone or in combination, provide disclosure of all the limitations of independent Claims 13 and 18, as amended, and all claims depending therefrom (Claims 14-17 and 19-23), and that these claims are in condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

CONCLUSION

In view of the remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5090.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

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